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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, individually and on	(
behalf of all others similarly situated,	( Civil Action No.: 18-2293
	( (FLW) (ZNQ)
Plaintiff,	(
	(
v.	(
	( <b>[PROPOSED] ORDER GRANTING</b>
RIOT BLOCKCHAIN, INC., f/k/a BIOPTIX,	( <b>MOTION TO DISMISS AMENDED</b>
INC., JOHN O'ROURKE, JEFFREY	( <b>CORRECTED COMPLAINT BY</b>
MCGONEGAL, BARRY HONIG,	( <b>DEFENDANT MIKE DAI</b>
CATHERINE DEFRANCESCO, MICHAEL	(
BEEGHLEY, JOHN STETSON, MARK	(
GROSSMAN, ANDREW KAPLAN, MIKE	( Motion Return Date: November 4, 2019
DAI, JASON LES, and ERIC SO,	(
Defendants.	(
	(
	(
	(

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Defendant Mike Dai's Motion to Dismiss (the "Motion") Lead Plaintiff Dr. Stanley Golovac's ("Lead Plaintiff") Corrected Consolidated Amended Class Action Complaint was heard on November 4, 2019, in Room 5E of the above-captioned Court. Having heard and

considered all of the pleadings and records on file, and all papers in support of and in opposition to the Motion, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

1. The Mike Dai's Motion is GRANTED in its entirety.
2. Lead Plaintiff's First Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5 is dismissed with prejudice as to Mike Dai for failure to state facts sufficient to constitute a cause of action.
3. Lead Plaintiff's Second Cause of Action for Violation of Section 10(b) of the Exchange Act and Rule 10b-5(a) and (c) is dismissed with prejudice as to Mike Dai for failure to state facts sufficient to constitute a cause of action.

DATED: \_\_\_\_\_, 2019

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Honorable Zahid N. Quraishi  
United States Magistrate Judge